



Attorney Docket No. EIP-5807 (1417G P 678)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application Of:)
Bui et al.)
Application No. 10/059,929) Group Art Unit: 3763
Confirmation No. 8386)
Filed: January 29, 2002) Examiner: Not Yet Assigned
For: SYSTEM AND METHOD FOR OPERATING)
MEDICAL DEVICES)

Box Missing Parts
Commissioner For Patents
Washington, D.C. 20231

RESPONSE TO NOTICE OF MISSING PARTS

This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed April 9, 2002. A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

No Declaration or Oath was filed. Enclosed is the original Declaration or Oath for this Application. Also enclosed are substitute drawings 1-12 in compliance with 37 CFR 1.84. These Figures are identical to the ones originally filed, with the exception of margin adjustments. The drawings were also incorrectly identified in the Brief Description of the Drawings. Specifically, see the Preliminary Amendment accompanying this Response for particulars regarding the amendment to the Brief Description of the Drawings. No new matter has been added to this application.

Enclosed is Check No. 12549 in the amount of \$130.00 as payment of the surcharge for late filing of the Declaration or Oath.

The Commissioner is hereby authorized to charge payment or deficiencies of the following additional fees that may be required by this paper and during the entire pendency of

Attorney Docket No. EIP-5807 (1417G P 678)
Application No. 10/059,929
Page 2

this Application or credit any overpayment to Deposit Account No. 23-0280:

Any additional filing fees under 37 C.F.R. 1.16(a), (f) or (g) (filing fees).

Any additional fees under 37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra Claims).

A duplicate copy of this sheet is attached.

Respectfully submitted,



Lawrence E. Thompson, Reg. No. 41,346
Wallenstein & Wagner, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
312.554.3300

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with first class postage prepaid, in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231 on

June 6, 2002

Heather M. Pishko

Heather M. Pishko/148264 1

RECEIVED - 6/6/02



**COPY OF PAPERS
ORIGINALLY FILED**

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/059,929	01/29/2002	Tuan Bui	1417G P 678

WALLENSTEIN & WAGNER, LTD.
53rd Floor
311 South Wacker Drive
Chicago, IL 60606-6630

LTD.
TO DOCKETING

CONFIRMATION NO. 8386
FORMALITIES LETTER



OC00000007830402

Date Mailed: 04/09/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 8A, 8B, 9A and 9B described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the

06/11/2002 MARYMEET 00000065 10059929
130.00
115.00

date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Huong Bui
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE